

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JACK B CUNNINGHAM,

Plaintiff,

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SA-23-CV-00299-XR

VS.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

Before the court in the above-styled cause of action is Plaintiff's motion to proceed *in forma pauperis* [#1]. This case was automatically referred to the undersigned upon filing, and the undersigned therefore has authority to enter this order pursuant to 28 U.S.C. § 636(b)(1)(A). Plaintiff seeks leave to proceed *in forma pauperis* ("IFP") based on an inability to afford court fees and costs. Having considered Plaintiff's application and supporting affidavit, the Court is of the opinion the motion should be granted.

All parties instituting any civil action, suit, or proceeding in a district court of the United States, except an application for a writ of habeas corpus, must pay a filing fee of \$350, as well as an administrative fee.¹ *See* 28 U.S.C. § 1914(a). Plaintiff's motion to proceed IFP includes income and asset information, which indicates that Plaintiff does not have sufficient monthly resources available to pay the filing fee. Therefore, the Court will grant the motion to proceed IFP.

¹ The administrative fee, which is currently \$50, is waived for plaintiffs who are granted IFP status. *See District Court Miscellaneous Fee Schedule*, available at <http://www.uscourts.gov/services-forms/fees/district-court-miscellaneous-fee-schedule>.

IT IS THEREFORE ORDERED that Plaintiff's application to proceed *in forma pauperis* [#1] is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's Complaint [#1-2] shall be filed by the Clerk without prepayment of fees, costs or the giving of security, and the Clerk shall, until further Order of this Court, waive the collection of any other fees or costs from Plaintiff.

IT IS FINALLY ORDERED that the Clerk execute electronic service on Defendant pursuant to Rule 3 of the Supplemental Rules for Social Security Actions Under 42 USC 405(g).

SIGNED this 16th day of March, 2023.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE